

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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VICTORIA EVANOFF, as Administrator of the ESTATE OF JOHN EVANOFF, DECEASED	:	CIVIL ACTION
	:	
Plaintiff,	:	No. 5:23-cv-03417-JFL
	:	
vs.	:	
	:	
MARSH USA, LLC,	:	
	:	
Defendant.	:	
	:	

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**ORDER**

**AND NOW**, this 8<sup>th</sup> day of July, 2024, upon consideration of the Petition for Approval of Settlement, it is hereby **ORDERED** and **DECREED** that Petitioner is authorized to enter into a settlement with Defendant, Marsh USA LLC, in the gross present value sum of \$650,000.00. Defendant shall forward all settlement checks to Petitioner's counsel for proper distribution.

It is further **ORDERED** and **DECREED** that the settlement proceeds are allocated as follows:

<b><u>GROSS SETTLEMENT</u></b>	<b><u>\$650,000.00</u></b>
TO: Anapol Weiss	<b>\$273,466.32</b>

Attorneys' Fee (40%) (\$251,022.46)

Reimbursement of Costs (\$22,443.86)

The balance of \$376,533.68 is hereby allocated 90% to the Wrongful Death Action and 10% to the Survival Action distributable as follows:

**WRONGFUL DEATH (90%)** **\$338,880.32**TO: Victoria Evanoff, Surviving Spouse of John Evanoff, deceased. **\$184,440.16**TO: G.E., Surviving Minor Child of John Evanoff, deceased. **\$154,440.16****SURVIVAL ACTION (10%)** **\$37,653.36**TO: Victoria Evanoff, Surviving Spouse of John Evanoff, deceased. **\$18,826.68**TO: G.E., Surviving Minor Child of John Evanoff, deceased. **\$18,826.68**

It is further **ORDERED** and **DECREED** that the settlement proceeds allocated to G.E. shall be made through a structured settlement as well as in a restricted savings account, described as follows:

1. The settlement proceeds from the Wrongful Death Action allocated to G.E. shall be made pursuant to a structured settlement according to the Schedule of Payments as follows (the "Periodic Payments"):
  - a. \$1,421.57 payable monthly, guaranteed for 12 years beginning 07/26/2033 at age 18, with the last guaranteed payment on 6/26/2045.
  - b. \$10,000.00 lump sum payment on 07/26/2033 guaranteed.
  - c. \$20,000.00 lump sum payment on 07/26/2037 guaranteed.
  - d. \$40,000.00 lump sum payment on 07/26/2041 guaranteed.
  - e. \$50,000.00 lump sum payment on 07/26/2045 guaranteed.

Assignment: The obligation to make the Periodic Payments described above may be assigned to Mutual of Omaha Structured Settlement Company and funded by an annuity contract issued by United of Omaha Structured Settlement Company, rated A+XV by A.M. Best. To fund the Periodic Payments, Defendant or their Insurer will issue a check in the amount of \$154,440.16 payable to Mutual of Omaha Structured Settlement Company.

The future Periodic Payments listed above are guaranteed based on current annuity rates and a projected annuity purchase date on or before August 20, 2024. Any delay in funding the annuity purchase may result in a delay of the payment dates or

a change in the payment amounts that shall be accurately recorded in the settlement agreement and release, qualified assignment and release document and annuity contract without the need of obtaining an amended Petition/Court Order.

2. The settlement proceeds from the Survival Action allocated to G.E. shall be placed in a restricted savings account in a federally insured bank in the Commonwealth of Pennsylvania for the sole benefit of G.E. The savings account shall be restricted as follows: Not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court. Withdrawal requests are to be directed to the Court of Common Pleas of Berks County or the Eastern District of Pennsylvania.

It is further **ORDERED** and **DECREED** that a portion of the settlement proceeds allocated to Victoria Evanoff shall be made pursuant to a structured settlement according to the Schedule of Payments as follows (the "Periodic Payments"):

1. \$1,305.27 payable monthly, guaranteed for 20 years, starting on 09/01/2024 with the last guaranteed payment on 08/01/2044.

Assignment: The obligation to make the Periodic Payments described above may be assigned to PASSCorp and funded by an annuity contract issued by The Prudential Insurance Company of America, rated A+XV by A.M. Best. To fund the Periodic Payments, Defendant or their Insurer will issue a check in the amount of \$203,266.84 payable to PASSCorp.

The future Periodic Payments listed above are guaranteed based on current annuity rates and a projected annuity purchase date on or before August 20, 2024. Any delay in funding the annuity purchase may result in a delay of the payment dates or a change in the payment amounts that shall be accurately recorded in the settlement agreement and release, qualified assignment and release document and annuity contract without the need of obtaining an amended Petition/Court Order

Victoria Evanoff, as Administrator of the Estate of John Evanoff, deceased, is **ORDERED** and **DIRECTED** to file a copy of this **ORDER** with the Register of Wills of Berks County pursuant to 20 Pa. C.S.A. §3323(b)(3) within thirty (30) days.

Victoria Evanoff is further **ORDERED** and **DIRECTED** to file an Affidavit of Deposit regarding the opening of the restricted savings account with the Clerk of Orphans' Court of Berks County within **sixty (60) days**.

Additionally, Counsel shall file with this Court, the Eastern District of Pennsylvania, within **sixty (60) days** from the date of this Order, proof of establishment of the account as required herein, by Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account documentation containing the restrictions.

/s/ Joseph F. Leeson, Jr.

**Joseph F. Leeson, Jr.**  
United States District Judge